



pennsylvania
DEPARTMENT OF TRANSPORTATION
www.penndot.gov

Mailing Date: August 12, 2019

Molly Redden
MuckRock News
DEPT MR 76513
411A Highland Avenue
Somerville, MA 02144-2516

Re: Right to Know Law Request No. 19-0518

Dear Requestor:

This letter follows the Pennsylvania Department of Transportation's ("PennDOT") correspondence acknowledging receipt of your written correspondence, which was processed under the Pennsylvania Right-to-Know Law ("RTKL"), 65 P.S. § 67.101 *et seq.* PennDOT's Office of Open Records logged your correspondence as received on July 5, 2019. We mailed a letter to you on July 12, 2019 providing notice that we required a thirty (30) days' extension, as permitted by the RTKL. This response is provided pursuant to that extension. A copy of your correspondence is enclosed.

You requested the following:

- 1) A list, preferably in a table, of driver license applications submitted in the state of Pennsylvania between Jan[.] 1, 2014 to present by people born in Puerto Rico. This should include the date the application was submitted, the person's current residence, their birthplace (Puerto Rico and if the application was approved, pending or denied and the reason why it is pending or denied.
- 2) A description of the process and/or policies used to verify the eligibility of people in Puerto Rico for a driver's license in Pennsylvania.
- 3) Copies of all materials and/or instructions used to verify the citizenship of people born in Puerto Rico.

We will respond to your request item by item below.

Item 1. This portion of your request is denied. Driver license information is made available only pursuant to 75 Pa.C.S. § 6114 and 67 Pa. Code § 95.2(c). Under the RTKL, the requested record and its content would also be exempt from disclosure as "personal identification information." 65 P.S. § 67.708(b)(6). The records are also exempt from access under and subject to the limitations of the Federal Driver's Privacy Protection Act, 18 U.S.C. §§ 2721-2725.

The Commonwealth Court has held that driver records are not available under the RTKL. *Advancement Project v. Pennsylvania Department of Transportation*, 60 A.3d 891 (Pa. Cmwlth. 2013). The Pennsylvania Office of Open Records has followed this precedent. *Anthony Dickerson v. PA Department of Transportation*, OOR Dkt. AP 2013-0049 (issued February 6, 2013).

Item 2. This portion of your request is granted. Enclosed is a record responsive to this portion of your request.

Item 3. Insofar as you are seeking policy information, this portion of your request is granted. The responsive policy information can be found within the enclosed record, which is responsive to item two (2) of your request.

Insofar as you are seeking materials to verify citizenship that would be contained in individual driver's records, this portion of your request is denied for the same reasons stated above in response to item one (1).

You have a right to appeal this response in writing to the Executive Director, Office of Open Records (OOR), 333 Market Street, 16th Floor, Harrisburg, PA 17101-2234. If you choose to file an appeal you must do so within fifteen (15) business days of the mailing date of this response and send to the OOR:

- 1) this response;
- 2) your request; and
- 3) the reason why you think the agency is incorrect in its response.

Additionally, the OOR has an appeal form available on the OOR website at:

<http://www.openrecords.pa.gov/Appeals/AppealForm.cfm>

Please be advised that this correspondence will serve to close your RTKL request with our office as permitted by law.

Sincerely,



S. Gargiulo

Agency Open Records Officer

PENNDOT-RightToKnow@pa.gov

From: Schaffner, Jo

Sent: Monday, July 08, 2019 9:41 AM

To: Beatty, Ronald <RBEATTY@pa.gov>; Stone, Kenneth <kenstone@pa.gov>; Baldwin, Melanie <melabaldwi@pa.gov>; Whitaker, Matthew M <mwhitaker@pa.gov>

Subject: RE: RTKL Request 19-0518 Redden

All customers requesting to transfer a Driver's License from Puerto Rico to a Pennsylvania Driver's License must have the license verified by PennDOT driver licensing authorities by contacting the Territory of origin. This would just be a license transfer. The Vehicle Code allows for licenses to be transferred from Canada, U.S. Territories and Puerto Rico for a Pennsylvania non-commercial license without a knowledge or skills tests. An eye exam will still be required.

Below is the process:

- Visit a Driver License Center with:
 - Valid out-of-state driver's license (or expired up to 6 months)
 - Provide proof of identity (U.S. Birth certificate with raised/embossed seal, issued by an authorized government agency, including US Territories or Puerto Rico. Non-US birth certificates will not be accepted. Or, another document from the Acceptable Forms of Identification U.S. Citizens List or Acceptable Forms of Identification Non-U.S. Citizens List. Please note that effective October 31, 2010, PennDOT will no longer accept Puerto Rico birth certificates that were issued prior to July 1, 2010 for initial issuance.
 - Original Social security card
 - Two proofs of residency if 18 years or older
 - Appropriate fee
- Eye screening will be given at the Driver License Center.
- If eye screening is successfully passed, the customer's application will be processed and will be provided with a photo authorization document to have the picture taken the same day.
- The picture authorization document is taken to the photo technician co-located with the Driver License Center and a photo is taken.
- A temporary 15-day photo driver's license is issued, and a permanent photo driver's license is mailed to the residence address on record.

Documentation is sent to the Puerto Rico (PR) DMV for verification of the applicants PR driver's license.

COPY

19-0518 Redden

Logged as received 7/5/19
5 day response to be mialled 7/12/19

From: 76513-59249525@requests.muckrock.com
Sent: Wednesday, July 03, 2019 1:26 PM
To: PD, PENNDOT Right To Know
Subject: [External] Pennsylvania Right to Know Act Request: Pennsylvania Driver Licenses

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Red Category

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Department of Transportation
RTK Office
PO Box 3451
Harrisburg, PA 17105-3451

July 3, 2019

To Whom It May Concern:

Pursuant to the Pennsylvania Right to Know Act, I hereby request the following records:

- 1) A list, preferably in a table, of driver license applications submitted in the state of Pennsylvania between Jan 1, 2014 to present by people born in Puerto Rico. This should include the date the application was submitted, the person's current residence, their birthplace (Puerto Rico) and if the application was approved, pending or denied and the reason why it is pending or denied.
- 2) A description of the process and/or policies used to verify the eligibility of people in Puerto Rico for a driver's license in Pennsylvania.
- 3) Copies of all materials and/or instructions used to verify the citizenship of people born in Puerto Rico.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes. As I am a member of the media and this information will be used to inform the public, I request a fee waiver for this request. Also, as this is urgent public information, I request that it be expedited.

In the event that there are fees, I would be willing to pay up to \$10 and I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter.

I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Molly Redden

Y400

Filed via MuckRock.com

E-mail (Preferred): 76513-59249525@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Fnext%3D%252Faccounts%252Fagency_login%252Fdepartment-transportation-3865%252Fpennsylvania-driver-licenses-76513%252F%253Femail%253DPENNDOT-RightToKnow%252540pa.gov&url_auth_token=AABGMkV6nvTsJVgTgC-IPa8Gc2A%3A1hijOp%3AXfdUWsVCHtYM0jaZW-pb6k14jj8

RightToKnow%252540pa.gov&url_auth_token=AABGMkV6nvTsJVgTgC-IPa8Gc2A%3A1hijOp%3AXfdUWsVCHtYM0jaZW-pb6k14jj8

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News

DEPT MR 76513

411A Highland Ave

Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

